संख्याः 108 / कैनिप्र / 26–3–2014–13(60) / 2013

प्रेषक,

जावेद उस्मानी
मुख्य सचिव,
उत्तर प्रदेश शासन।

सेवा में,

समस्त जिला मैजिस्ट्रेट,
उत्तर प्रदेश।

कल्याण नियोजन प्रकोष्ठ लखनऊः दिनांकः 10 फरवरी, 2014
समाज कल्याण विभाग

विषयः " हाथ से मैला उठाने वाले कर्मियों के नियोजन का प्रतिषेध और उनका पुनर्वास अधिनियम, 2013" के कियान्वयन के सम्बन्ध में।

महोदय,

भारत सरकार द्वारा " हाथ से मैला उठाने वाले कर्मियों के नियोजन का प्रतिषेध और उनका पुनर्वास अधिनियम, 2013" (Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013) अधिसूचित किया गया है जो दिनांक 6–12–2013 से देश के सभी राज्यों (जम्मू कश्मीर राज्य को छोड़कर) में स्वतः प्रभावी हो गया है। उक्त अधिनियम की प्रति एतद्द्वारा संलग्न है।

2– उक्त अधिनियम में मुख्यतः निम्न व्यवस्था हैः–

(1) अधिनियम की धारा–11 के अन्तर्गत नगरीय क्षेत्र में नगर निगमों के मुख्य अधिशासी अधिकारी द्वारा 02 माह के अन्दर तथा अन्य नगरपालिकाओं में उनके मुख्य अधिशासी अधिकारी द्वारा 01 माह के अन्दर मैनुअल स्कैवेन्जर्स का चिन्हांकन / सर्वेक्षण किये जाने एवं तत्पश्चात् चिन्हित मैनुअल स्कैवेन्जर्स की अन्तिम सूची को प्रकाशित किये जाने का प्राविधान है। धारा–12 के अन्तर्गत चिन्हांकन हेतु मैनुअल स्कैवेन्जर्स से प्राप्त प्रार्थना–पत्रों के निस्तारण का प्राविधान किया गया है। धारा–14 एवं धारा–15 के अन्तर्गत ग्रामीण क्षेत्र में पंचायतों के मुख्य अधिशासी अधिकारी द्वारा धारा–11 एवं धारा–12 के अनुसार ही मैनुअल स्कैवेन्जर्स का चिन्हांकन एवं अन्तिम सूची को प्रकाशित कराये जाने का प्राविधान किया गया है।

(2) अधिनियम की धारा–13 में नगरपालिकाओं में अधिनियम की धारा–11 एवं 12 के अन्तर्गत चिन्हित मैनुअल स्कैवेन्जर्स को फोटोयुक्त पहचान–पत्र दिये जाने तथा विभिन्न योजनाओं के अन्तर्गत उनका पुनर्वासन कराये जाने का प्राविधान है। इसीप्रकार अधिनियम की धारा–16 में ग्रामीण क्षेत्रों में अन्तिम रूप से चिन्हित मैनुअल स्कैवेन्जर्स को धारा–13 के प्राविधानों के अनुसार ही फोटोयुक्त पहचान

निर्गत किये जाने तथा पुनर्वासित कराये जाने की व्यवस्था है। अधिनियम की धारा–13(2) के अन्तर्गत चिन्हित मैनुअल स्कैवेन्जर्स को धारा–13(1) के अनुसार पुनर्वासित कराये जाने का उत्तरदायित्व सम्बन्धित जनपद के जिला मैजिस्ट्रेट को दिया गया है। अधिनियम की धारा–13(2) में ही यह भी प्राविधानित है कि राज्य सरकार या सम्बन्धित जिला मैजिस्ट्रेट अपने अधीनस्थ अधिकारियों तथा सम्बन्धित नगर पालिकाओं के अधिकारियों को उत्तरदायित्व सौंप सकेंगे।

अधिनियम की धारा–13(1)(ए)(ii) के अन्तर्गत विमुक्त मैनुअल स्कैवेन्जर्स को एकबारगी नकद सहायता दिये जाने का प्राविधान है। उल्लेखनीय है कि इस सहायता धनराशि को दिये जाने की व्यवस्था भारत सरकार की एस0आर0एम0एस0 योजना के अन्तर्गत की गयी है जिसके लिये पृथक से निर्देश निर्गत किये जा रहे हैं।

(3) अधिनियम की धारा–4 के अन्तर्गत स्थानीय प्राधिकारियों द्वारा अस्वच्छ शौचालयों के सर्वेक्षण तथा स्वच्छ सामुदायिक शौचालयों के निर्माण के सम्बन्ध में व्यवस्था की गयी है।

(4) धारा–5 में अस्वच्छ शौचालयों को समाप्त करने, उनके स्वच्छ शौचालयों में परिवर्तित किये जाने तथा अस्वच्छ शौचालयों में नियोजित मैनुअल स्कैवेन्जर्स को तत्काल विमुक्त किये जाने का उल्लेख किया गया है।

(5) अधिनियम की धारा–17 (1) के अनुसार प्रत्येक स्थानीय प्राधिकारी जागरूकता अभियानों के माध्यम से अथवा इसप्रकार की किसी अन्य रीति से यह सुनिश्चित करेगा कि अधिनियम के लागू होने की तिथि से 09 माह के अन्दर उसके प्राधिकार क्षेत्र में किसी अस्वच्छ शौचालय का न ही निर्माण होगा, न ही उसे बनाये रखा जायेगा अथवा न ही उसका उपयोग किया जायेगा। धारा–17(1) का उल्लंघन करने वाले के विरूद्ध अधिनियम की धारा–5 की उपधारा (3) के अन्तर्गत कार्यवाही सुनिश्चित की जायेगी।

(6) अधिनियम की धारा–18 में अधिनियम के प्राविधानों के समुचित अनुपालन के लिये राज्य सरकार द्वारा जिला मैजिस्ट्रेट और स्थानीय प्राधिकारियों को शक्तियॉ एवं उत्तरदायित्व प्रदान किये जाने का प्राविधान है।

(7) अधिनियम की धारा–20 में अधिनियम के उद्देश्य के लिये निरीक्षकों की नियुक्ति किये जाने का प्राविधान किया गया है।

(8) अधिनियम की धारा–21 में इस अधिनियम के अन्तर्गत अपराधिक मामलों सुनवाई / परीक्षण के लिये एक अधिशासी मैजिस्ट्रेट को प्रथम श्रेणी के न्यायिक मैजिस्ट्रेट का शक्तियॉ राज्य सरकार द्वारा प्रदान किये जाने का प्राविधान है जो सी.आर.पी.सी., 1973 के उद्देश्यों के लिये प्रथम श्रेणी का मैजिस्ट्रेट समझा जायेगा। अभियोंगों का सूक्ष्म परीक्षण किया जायेगा।

(9) अधिनियम की धारा–22 के अनुसार अधिनियम के अन्तर्गत प्रत्येक अपराध संज्ञेय तथा गैरजमानती होंगे।

(10) अधिनियम की धारा–24 के अन्तर्गत राज्य सरकार द्वारा प्रत्येक जनपद तथा सब–डिवीजन के लिये निगरानी समिति के गठन का प्राविधान है तथा धारा–25 में उक्त निगरानी समितियों द्वारा सम्पादित किये जाने वाले कार्यों का उल्लेख है।

(11) अधिनियम की धारा–26 के अन्तर्गत राज्य स्तर पर मानीटरिंग समिति के गठन का प्राविधान है तथा धारा–27 में राज्य मानीटरिंग समिति के कार्यों का उल्लेख है।

(12) अधिनियम की धारा–31 के अन्तर्गत राष्ट्रीय सफाई कर्मचारी आयोग को अधिनियम के कियान्वयन की निगरानी के लिये नामित करते हुये आयोग के कार्यों का उल्लेख किया गया है। इसीप्रकार अधिनियम की धारा–32 में राज्य सरकार द्वारा राज्य सफाई कर्मचारी आयोग अथवा राज्य अनुसूचित जाति आयोग अथवा इसप्रकार की किसी अन्य सांविधिक अथॉरिटी को पदाभिहित किये जाने का प्राविधान है जो राज्य के परिप्रेक्ष्य में धारा–31 के अन्तर्गत राष्ट्रीय सफाई कर्मचारी आयोग के लिये निर्धारित शक्तियों का प्रयोग कर सकेगा।

3– उक्त अधिनियम के प्रदेश में लागू हो जाने के फलस्वरूप अधिनियम की धारा–18 के अधीन अधिनियम के प्राविधानों को लागू कराने हेतु सम्बन्धित जनपद के जिलाधिकारी को प्राधिकृत किया जाता है। जिलाधिकारी जनपद में कार्यरत मुख्य नगर अधिकारी, अधिशासी अधिकारी नगर पालिका/ नगर निगम, परियोजना अधिकारी, सहायक परियोजना अधिकारी, डूडा कार्यालय, सेनेटरी इन्सपेक्टर, खण्ड विकास अधिकारी, सहायक खण्ड विकास अधिकारी आदि को उक्त अधिनियम के प्राविधानों को लागू कराने हेतु अपनी सहायता के लिए आवश्यकतानुसार सम्मिलित करेंगे। जिलाधिकारी अधिनियम के विभिन्न कियान्वयन सम्बन्धी सूचनायें/ प्रगति आख्या नगर विकास विभाग, पंचायतीराज विभाग तथा समाज कल्याण विभाग को उपलब्ध करायेंगे।

4– अधिनियम की धारा–24 (2) की अपेक्षानुसार जनपद स्तर तथा उप–खण्ड (Sub Division) स्तर पर निगरानी समितियों के गठन सम्बन्धी अधिसूचना पृथक से निर्गत की जा रही है।

5– अधिनियम की धारा–26(1) के अन्तर्गत राज्य मानीटरी समिति का गठन सम्बन्धी अधिसूचना पृथक से निर्गत की जा रही है।

6– अधिनियम के कियान्वयन के परिप्रेक्ष्य में शासन स्तर पर समाज कल्याण विभाग नोडल विभाग के रूप में कार्य करेगा।

7– नगरीय क्षेत्र में अधिनियम के कियान्वयन तथा समन्वय की कार्यवाही नगर विकास विभाग द्वारा तथा ग्रामीण क्षेत्र में अधिनियम के कियान्वयन तथा समन्वय की कार्यवाही पंचायतीराज विभाग द्वारा किया जायेगा जो जनपदों से समन्वय करके अधिनियम के अन्तर्गत की गयी कार्यवाहियों की संकलित स्थिति से समाज कल्याण विभाग को अवगत करायेंगे।

8– उक्त अधिनियम के प्राविधानों के व्यापक प्रचार –प्रसार का कार्य राज्य स्तर पर निदेशक, सूचना एवं जनसम्पर्क विभाग द्वारा तथा जिला स्तर पर जिलाधिकारी द्वारा कराया जायेगा।

9– अधिनियम के अन्तर्गत किये जाने वाले सर्वेक्षण कार्यों की मानीटरिंग के लिए "जिला स्तर सर्वेक्षण समिति" का निम्नवत् गठन किया जाता है:–

1. जिला मैजिस्ट्रेट	अध्यक्ष
2. अपर जिला विकास अधिकारी (समाज कल्याण)/ पदेन जिला प्रबन्धक, उ0प्र0 अनुसूचित जाति वित्त एवं विकास निगम	सदस्य सचिव
3. जिला सांख्यिकीय अधिकारी	सदस्य
4. परियोजना अधिकारी, जिला नगरीय विकास अभिकरण	सदस्य
5. जिला पंचायतीराज अधिकारी	सदस्य
6. अधिशासी/प्रभारी अधिकारी, स्थानीय निकाय	सदस्य
7. रेल प्राधिकरण का एक प्रतिनिधि	सदस्य
8. हाथ से मैला उठाने वाले कर्मियों और सफाई कर्मचारियों के कल्याण के लिये कार्यरत गैर सरकारी संगठनों के अधिकतम दो प्रतिनिधि जो जिला मैजिस्ट्रेट द्वारा नामनिर्दिष्ट होंगे	सदस्य
9. अधिकतम दो सामुदायिक प्रतिनिधि जिसमें से एक महिला होगी जो जिला मैजिस्ट्रेट द्वारा नामनिर्दिष्ट होंगे	सदस्य

<u>जिला स्तर सर्वेक्षण समिति के कृत्य:</u>

क. जिला स्तर पर सर्वेक्षण प्रकिया को मानीटर और सर्वेक्षण करना।

ख. अभिहित स्थानों पर जागरूकता अभियान के लिए सामग्री वितरित करना।

ग. सर्वेक्षण के सम्बन्ध में स्थानीय समाचार पत्र आदि के माध्यम से प्रचार की व्यवस्था करना।

घ. अपनी अधिकारिता के अधीन अभिहित स्थानों पर अनुदित सर्वेक्षण सामग्री वितरित करना।

ड. जिले के सभी शहर, नगरों और ग्रामों के लिये हाथ से मैला उठाने वाले कर्मियों की अन्तिम सूची को अनुमोदित करना।

च. जिले में हाथ से मैला उठाने वाले कर्मियों की अन्तिम समेकित सूची का प्रकाशन।

10– मैनुअल स्कैवेन्जर्स सम्बन्धी विभिन्न ऑकड़ों को भारत सरकार की वेबसाइट पर अपलोड करने के लिये भारत सरकार , सामाजिक न्याय सूचना डिवीजन के नेशनल इनफार्मेशन सेन्टर द्वारा प्रकिया निर्धारित की गयी है। इससे सम्बन्धित श्री मुकुट सिंह, उप महानिदेशक, भारत सरकार , सामाजिक न्याय एवं अधिकारिता मन्त्रालय के अर्द्ध शासकीय पत्र संख्या 17–2/2012–Statistics दिनांक 3 जनवरी, 2014 की प्रति आवश्यक कार्यवाही हेतु संलग्न है।

11— अतः अनुरोध है कि कृपया समस्त सम्बन्धित को अवगत कराते हुये अधिनियम के प्राविधानों के अनुसार प्रभावी कार्यवाही सुनिश्चित कराने का कष्ट करें ।

संलग्नकः यथोक्त ।

भवदीय,

(जावेद उस्मानी)
मुख्य सचिव।

संख्या एवं दिनांक तदैव

प्रतिलिपि निम्नलिखित को अधिनियम की प्रति के साथ सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषितः—

1— सचिव, सामाजिक न्याय एवं अधिकारिता मन्त्रालय, भारत सरकार, नयी दिल्ली।
2— प्रमुख सचिव, नगर विकास विभाग, उत्तर प्रदेश शासन।
3— प्रमुख सचिव, पंचायतीराज विभाग, उत्तर प्रदेश शासन।
4— प्रमुख सचिव, नगरीय रोजगार एवं गरीबी उन्मूलन विभाग, उत्तर प्रदेश शासन।
5— प्रबन्ध निदेशक, उ0प्र0 अनुसूचित जाति वित्त विकास निगम, लखनऊ।
6— निदेशक, पंचायतीराज, उत्तर प्रदेश, लखनऊ।
7— निदेशक, स्थानीय निकाय, उत्तर प्रदेश लखनऊ।
8— निदेशक, राज्य नगरीय विकास अभिकरण, उत्तर प्रदेश, लखनऊ।
9— निदेशक, सूचना एवं जनसम्पर्क विभाग, उत्तर प्रदेश, लखनऊ।
10— समस्त मण्डलायुक्त, उत्तर प्रदेश।
11— अपर जिला विकास अधिकारी (समाज कल्याण) पदेन जिला प्रबन्धक, उ०प्र० अनुसूचित जाति वित्त विकास निगम।

आज्ञा से,

10.2.14
(सुनील कुमार)
प्रमुख सचिव।

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—13 REGISTERED NO. DL—(N)04/0007/2003—13

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19*th September*, 2013/*Bhadra* 28, 1935 (*Saka*)

The following Act of Parliament received the assent of the President on the 18th September, 2013, and is hereby published for general information:—

THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT, 2013

No. 25 OF 2013

[18*th September*, 2013.]

An Act to provide for the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families, and for matters connected therewith or incidental thereto.

WHEREAS promoting among the citizens fraternity assuring the dignity of the individual is enshrined as one of the goals in the Preamble to the Constitution;

AND WHEREAS the right to live with dignity is also implicit in the Fundamental Rights guaranteed in Part III of the Constitution;

AND WHEREAS article 46 of the Constitution, *inter alia,* provides that the State shall protect the weaker sections, and, particularly, the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation;

AND WHEREAS the dehumanising practice of manual scavenging, arising from the continuing existence of insanitary latrines and a highly iniquitous caste system, still persists in various parts of the country, and the existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging;

AND WHEREAS it is necessary to correct the historical injustice and indignity suffered by the manual scavengers, and to rehabilitate them to a life of dignity.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

(*2*) It extends to the whole of India except the State of Jammu and Kashmir.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the date so notified shall not be earlier than sixty days after the date of publication of the notification in the Official Gazette.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "agency" means any agency, other than a local authority, which may undertake sanitation facilities in an area and includes a contractor or a firm or a company which engages in development and maintenance of real estate;

(*b*) "appropriate government", in relation to Cantonment Boards, railway lands, and lands and buildings owned by the Central Government, a Central Public Sector Undertaking or an autonomous body wholly or substantially funded by the Central Government, means the Central Government and in all other cases, the State Government;

(*c*) "Chief Executive Officer", in relation to a Municipality or Panchayat, means, its senior-most executive officer, by whatever name called;

(*d*) "hazardous cleaning" by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder;

(*e*) "insanitary latrine" means a latrine which requires human excreta to be cleaned or otherwise handled manually, either *in situ*, or in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes in such manner as may be prescribed:

Provided that a water flush latrine in a railway passenger coach, when cleaned by an employee with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be an insanitary latrine.

(*f*) "local authority" means,—

(*i*) a Municipality or a Panchayat, as defined in clause (*e*) and clause (*f*) of article 243P of the Constitution, which is responsible for sanitation in its area of jurisdiction;

(*ii*) a Cantonment Board constituted under section 10 of the Cantonments Act, 2006; and 41 of 2006.

(*iii*) a railway authority;

(*g*) "manual scavenger" means a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a

railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression "manual scavenging" shall be construed accordingly.

Explanation.—For the purpose of this clause,—

(*a*) "engaged or employed" means being engaged or employed on a regular or contract basis;

(*b*) a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a 'manual scavenger';

(*h*) "National Commission for Safai Karmacharis" means the National Commission for Safai Karamcharis constituted under section 3 of the National Commission for Safai Karmacharis Act, 1993 and continued by Resolution of the Government of India in the Ministry of Social Justice and Empowerment *vide* No.17015/18/2003-SCD-VI, dated 24th February, 2004 and as amended from time to time;

64 of 1993.

(*i*) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(*j*) "occupier", in relation to the premises where an insanitary latrine exists, or someone is employed as a manual scavenger, means the person who, for the time being, is in occupation of such premises;

(*k*) "owner", in relation to the premises where an insanitary latrine exists or someone is employed as a manual scavenger, means, the person who, for the time being has legal title to such premises;

(*l*) "prescribed" means prescribed by the rules made under this Act;

(*m*) "railway authority" means an authority administering railway land, as may be notified by the Central Government in this behalf;

(*n*) "railway land" shall have the meaning assigned to it in clause (*32A*) of section 2 of the Railways Act, 1989;

24 of 1989.

(*o*) "sanitary latrine" means a latrine which is not an 'insanitary latrine';

(*p*) "septic tank" means a water-tight settling tank or chamber, normally located underground, which is used to receive and hold human excreta, allowing it to decompose through bacterial activity;

(*q*) "sewer" means an underground conduit or pipe for carrying off human excreta, besides other waste matter and drainage wastes;

(*r*) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;

(*s*) "survey" means a survey of manual scavengers undertaken in pursuance of section 11 or section 14.

(*2*) Words and expressions used and not defined in this Act, but defined in the Cantonments Act, 2006, shall have the same meanings respectively assigned to them in that Act.

41 of 2006.

(*3*) The reference to a Municipality under Chapters IV to VIII of this Act shall include a reference to, as the case may be, the Cantonment Board or the railway authority, in respect of areas included within the jurisdiction of the Cantonment Board and the railway land, respectively.

Act to have overriding effect.

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 or in any other law, or in any instrument having effect by virtue of any other law. 46 of 1993.

CHAPTER II

IDENTIFICATION OF INSANITARY LATRINES

Local authorities to survey insanitary latrines and provide sanitary community latrines.

4. (*1*) Every local authority shall,—

(*a*) carry out a survey of insanitary latrines existing within its jurisdiction, and publish a list of such insanitary latrines, in such manner as may be prescribed, within a period of two months from the date of commencement of this Act;

(*b*) give a notice to the occupier, within fifteen days from the date of publication of the list under clause (*a*), to either demolish the insanitary latrine or convert it into a sanitary latrine, within a period of six months from the date of commencement of this Act:

Provided that the local authority may for sufficient reasons to be recorded in writing extend the said period not exceeding three months;

(*c*) construct, within a period not exceeding nine months from the date of commencement of this Act, such number of sanitary community latrines as it considers necessary, in the areas where insanitary latrines have been found.

(*2*) Without prejudice to the provisions contained in sub-section (*1*), Municipalities, Cantonment Boards and railway authorities shall also construct adequate number of sanitary community latrines, within such period not exceeding three years from the date of commencement of this Act, as the appropriate Government may, by notification, specify, so as to eliminate the practice of open defecation in their jurisdiction.

(*3*) It shall be the responsibility of local authorities to construct community sanitary latrines as specified in sub-sections (*1*) and (*2*), and also to make arrangements for their hygienic upkeep at all times.

Explanation.—For the purposes of this section, "community" in relation to railway authorities means passengers, staff and other authorised users of railways.

CHAPTER III

PROHIBITION OF INSANITARY LATRINES AND EMPLOYMENT AND ENGAGEMENT AS MANUAL SCAVENGER

Prohibition of insanitary latrines and employment and engagement of manual scavenger.

5. (*1*) Notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, no person, local authority or any agency shall, after the date of commencement of this Act,— 46 of 1993.

(*a*) construct an insanitary latrine; or

(*b*) engage or employ, either directly or indirectly, a manual scavenger, and every person so engaged or employed shall stand discharged immediately from any obligation, express or implied, to do manual scavenging.

(*2*) Every insanitary latrine existing on the date of commencement of this Act, shall either be demolished or be converted into a sanitary latrine, by the occupier at his own cost, before the expiry of the period so specified in clause (*b*) of sub-section (*1*) of section 4:

Provided that where there are several occupiers in relation to an insanitary latrine, the liability to demolish or convert it shall lie with,—

(*a*) the owner of the premises, in case one of the occupiers happens to be the owner; and

(*b*) all the occupiers, jointly and severally, in all other cases:

Provided that the State Government may give assistance for conversion of insanitary latrines into sanitary latrines to occupiers from such categories of persons and on such scale, as it may, by notification, specify:

Provided further that non-receipt of State assistance shall not be a valid ground to maintain or use an insanitary latrine, beyond the said period of nine months.

(*3*) If any occupier fails to demolish an insanitary latrine or convert it into a sanitary latrine within the period specified in sub-section (*2*), the local authority having jurisdiction over the area in which such insanitary latrine is situated, shall, after giving notice of not less than twenty one days to the occupier, either convert such latrine into a sanitary latrine, or demolish such insanitary latrine, and shall be entitled to recover the cost of such conversion or, as the case may be, of demolition, from such occupier in such manner as may be prescribed.

Contract, agreement, etc., to be void.

6. (*1*) Any contract, agreement or other instrument entered into or executed before the date of commencement of this Act, engaging or employing a person for the purpose of manual scavenging shall, on the date of commencement of this Act, be terminated and such contract, agreement or other instrument shall be void and inoperative and no compensation shall be payable therefor.

(*2*) Notwithstanding anything contained in sub-section (*1*), no person employed or engaged as a manual scavenger on a full-time basis shall be retrenched by his employer, but shall be retained, subject to his willingness, in employment on at least the same emoluments, and shall be assigned work other than manual scavenging.

Prohibition of persons from engagement or employment for hazardous cleaning of sewers and septic tanks.

7. No person, local authority or any agency shall, from such date as the State Government may notify, which shall not be later than one year from the date of commencement of this Act, engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank.

Penalty for contravention of section 5 or section 6.

8. Whoever contravenes the provisions of section 5 or section 6 shall for the first contravention be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both, and for any subsequent contravention with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both.

Penalty for contravention of section 7.

9. Whoever contravenes the provisions of section 7 shall for the first contravention be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two lakh rupees or with both, and for any subsequent contravention with imprisonment which may extend to five years or with fine which may extend to five lakh rupees, or with both.

Limitation of prosecution.

10. No court shall take cognizance of any offence punishable under this Act except upon a complaint thereof is made by a person in this behalf within three months from the date of the occurrence of the alleged commission of the offence.

CHAPTER IV

IDENTIFICATION OF MANUAL SCAVENGERS IN URBAN AND RURAL AREAS AND THEIR REHABILITATION

Survey of manual scavengers in urban areas by Municipalities.

11. (*1*) If any Municipality has reason to believe that some persons are engaged or employed in manual scavenging within its jurisdiction, the Chief Executive Officer of such Municipality shall cause a survey to be undertaken to identify such persons.

(*2*) The content and methodology of the survey referred to in sub-section (*1*) shall be such as may be prescribed, and it shall be completed within a period of two months from its commencement in the case of Municipal Corporations, and within a period of one month in the case of other Municipalities.

(*3*) The Chief Executive Officer of the Municipality, in whose jurisdiction the survey is undertaken, shall be responsible for accurate and timely completion of the survey.

(*4*) After completion of the survey, the Chief Executive Officer shall cause to be drawn up a provisional list of persons found to be working as manual scavengers within the jurisdiction of his Municipality and fulfilling the eligibility conditions as may be prescribed, shall cause such provisional list to be published for general information in such manner, as may be prescribed, and shall invite objections to the list from the general public.

(*5*) Any person having any objection, either to the inclusion or exclusion of any name in the provisional list published in pursuance of sub-section (*4*), shall, within a period of fifteen days from such publication, file an objection, in such form as the Municipality may notify, to the Chief Executive Officer.

(*6*) All objections received in pursuance of sub-section (*5*), shall be enquired into, and thereafter a final list of persons found to be working as manual scavengers within the local limits of the municipality, shall be published by it in such manner, as may be prescribed.

(*7*) As soon as the final list of manual scavengers, referred to in sub-section (*6*) is published, the persons included in the said list shall, subject to the provisions of sub-section (*2*) of section 6, stand discharged from any obligation to work as manual scavengers.

Application by an urban manual scavenger for identification.

12. (*1*) Any person working as a manual scavenger in an urban area, may, either during the survey undertaken by the Municipality in pursuance of section 11, within whose jurisdiction he works, or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the Municipality, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

(*2*) On receipt of an application under sub-section (*1*), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 11, or, when no such survey is in progress, within fifteen days of receipt of such application, to ascertain whether the applicant is a manual scavenger.

(*3*) If an application is received under sub-section (*1*) when a survey under section 11 is not in progress, and is found to be true after enquiry in accordance with sub-section (*2*), action shall be taken to add the name of such a person to the final list published under sub-section (*6*) of section 11, and the consequences mentioned in sub-section (*7*) thereof shall follow.

Rehabilitation of persons identified as manual scavengers by a Municipality.

13. (*1*) Any person included in the final list of manual scavengers published in pursuance of sub-section (*6*) of section 11 or added thereto in pursuance of sub-section (*3*) of section 12, shall be rehabilitated in the following manner, namely:—

(*a*) he shall be given, within one month,—

(*i*) a photo identity card, containing, *inter alia,* details of all members of his family dependent on him, and

(*ii*) such initial, one time, cash assistance, as may be prescribed;

(*b*) his children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;

(*c*) he shall be allotted a residential plot and financial assistance for house construction, or a ready-built house, with financial assistance, subject to eligibility and willingness of the manual scavenger, and the provisions of the relevant scheme of the Central Government or the State Government or the concerned local authority;

(*d*) he, or at least one adult member of his family, shall be given, subject to eligibility and willingness, training in a livelihood skill, and shall be paid a monthly stipend of not less than three thousand rupees, during the period of such training;

(*e*) he, or at least one adult member of his family, shall be given, subject to

eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on a sustainable basis, in such manner as may be stipulated in the relevant scheme of the Central Government or the State Government or the concerned local authority;

(*f*) he shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.

(*2*) The District Magistrate of the district concerned shall be responsible for rehabilitation of each manual scavenger in accordance with the provisions of sub-section (*1*) and the State Government or the District Magistrate concerned may, in addition, assign responsibilities in his behalf to officers subordinate to the District Magistrate and to officers of the concerned Municipality.

Survey of manual scavengers in rural areas by Panchayats.

14. If any Panchayat has reason to believe that some persons are engaged in manual scavenging within its jurisdiction, the Chief Executive Officer of such Panchayat shall cause a survey of such manual scavengers to be undertaken, *mutatis mutandis,* in accordance with the provisions of section 11 and section 12, to identify such person.

Application by a rural manual scavenger for identification.

15. (*1*) Any person working as a manual scavenger, in a rural area, may, either during the survey undertaken by the Panchayat within whose jurisdiction he works, in pursuance of section 14 or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the concerned Panchayat, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

(*2*) On receipt of an application under sub-section (*1*), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 14 or when no such survey is in progress, within fifteen days of receipt of such application, so as to ascertain whether the applicant is a manual scavenger.

Rehabilitation of persons identified as manual scavengers by a Panchayat.

16. Any person included in the final list of manual scavengers, published in pursuance of section 14 or added thereto in pursuance of sub-section (*2*) of section 15 shall be rehabilitated, *mutatis mutandis*, in the manner laid down for urban manual scavengers in section 13.

CHAPTER V

IMPLEMENTING AUTHORITIES

Responsibility of local authorities to ensure elimination of insanitary latrines.

17. Notwithstanding anything contained in any other law for the time being in force, it shall be the responsibility of every local authority to ensure, through awareness campaign or in such other manner that after the expiry of a period of nine months, from the date of commencement of this Act,—

(*i*) no insanitary latrine is constructed, maintained or used within its jurisdiction; and

(*ii*) in case of contravention of clause (*i*), action is taken against the occupier under sub-section (*3*) of section 5.

Authorities who may be specified for implementing provisions of this Act.

18. The appropriate Government may confer such powers and impose such duties on local authority and District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out, and a local authority and the District Magistrate may, specify the subordinate officers, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed, and the local limits within which such powers or duties shall be carried out by the officer or officers so specified.

Duty of District Magistrate and authorised officers.

19. The District Magistrate and the authority authorised under section 18 or any other subordinate officers specified by them under that section shall ensure that, after the expiry of such period as specified for the purpose of this Act,—

(*a*) no person is engaged or employed as manual scavenger within their jurisdiction;

(*b*) no one constructs, maintains, uses or makes available for use, an insanitary latrine;

(*c*) manual scavengers identified under this Act are rehabilitated in accordance with section 13, or as the case may be, section 16;

(*d*) persons contravening the provisions of section 5 or section 6 or section 7 are investigated and prosecuted under the provisions of this Act; and

(*e*) all provisions of this Act applicable within his jurisdiction are duly complied with.

Appointment of inspectors and their powers.

20. (*1*) The appropriate Government may, by notification, appoint such persons as it thinks fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.

(*2*) Subject to any rules made in this behalf, an inspector may, within the local limits of his jurisdiction, enter, at all reasonable times, with such assistance as he considers necessary, any premises or place for the purpose of,—

(*a*) examining and testing any latrine, open drain or pit or for conducting an inspection of any premises or place, where he has reason to believe that an offence under this Act has been or is being or is about to be committed, and to prevent employment of any person as manual scavenger;

(*b*) examine any person whom he finds in such premises or place and who, he has reasonable cause to believe, is employed as a manual scavenger therein, or is otherwise in a position to furnish information about compliance or non-compliance with the provisions of this Act and the rules made thereunder;

(*c*) require any person whom he finds on such premises, to give information which is in his power to give, with respect to the names and addresses of persons employed on such premises as manual scavenger and of the persons or agency or contractor employing or engaging them;

(*d*) seize or take copies of such registers, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the principal employer or agency; and

(*e*) exercise such other powers as may be prescribed.

(*3*) Any person required to produce any document or thing or to give any information required by an inspector under sub-section (*2*) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code. 45 of 1860.

(*4*) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to any such search or seizure under sub-section (*2*) as they apply to such search or seizure made under the authority of a warrant issued under section 94 of the said Code. 2 of 1974.

CHAPTER VI

PROCEDURE FOR TRIAL

Offences to be tried by Executive Magistrate.

21. (*1*) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class for the trial of offences under this Act; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973, to be a Judicial Magistrate of the first class. 2 of 1974.

(*2*) An offence under this Act may be tried summarily.

Offence to be cognizable and non-bailable.

22. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable and non-bailable. 2 of 1974.

23. (*1*) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Offences by companies.

(*2*) Notwithstanding anything contained in sub-section (*1*), where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director" in relation to a firm, means a partner in the firm.

CHAPTER VII

VIGILANCE COMMITTEES

24. (*1*) Every State Government shall, by notification, constitute a Vigilance Committee for each district and each Sub-Division. Vigilance Committees.

(*2*) Each Vigilance Committee constituted for a district shall consist of the following members, namely:—

(*a*) the District Magistrate—Chairperson, *ex officio*;

(*b*) all members of the State Legislature belonging to the Scheduled Castes elected from the district—members:

Provided that if a district has no member of the State Legislature belonging to the Scheduled Castes, the State Government may nominate such number of other members of the State Legislature from the district, not exceeding two, as it may deem appropriate.

(*c*) the district Superintendent of Police— member, *ex officio*;

(*d*) the Chief Executive Officer of,—

(*i*) the Panchayat at the district level—member, *ex officio*;

(*ii*) the Municipality of the district headquarters—member, *ex officio*;

(*iii*) any other Municipal Corporation constituted in the district—member, *ex officio*;

(*iv*) Cantonment Board, if any, situated in the district—member, *ex officio*;

(*e*) one representative be nominated by the railway authority located in the district;

(*f*) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the district, to be nominated by the District Magistrate, two of whom shall be women;

(*g*) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate;

(*h*) the district-level officer in-charge of the Scheduled Castes Welfare—Member-Secretary, *ex officio*;

(*i*) district-level officers of Departments and agencies who, in the opinion of the District Magistrate, subject to general orders, if any, of the State Government, have a significant role to play in the implementation of this Act.

(*3*) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members, namely:—

(*a*) the Sub-Divisional Magistrate—Chairperson, *ex officio*;

(*b*) the Chairpersons and the Chief Executive Officers of Panchayats at intermediate level of the Sub-Division, and where Panchayats at intermediate level, do not exist, Chairpersons from two Panchayats at Village level to be nominated by the Sub-Divisional Magistrate—member, *ex officio*;

(*c*) the Sub-Divisional Officer of Police—member, *ex officio*;

(*d*) Chief Executive Officer of—

(*i*) the Municipality of the Sub-Divisional headquarters—member, *ex officio*; and

(*ii*) Cantonment Board, if any, situated in the Sub-Division—member, *ex officio*;

(*e*) one representative to be nominated by the railway authority located in the Sub-Division—member, *ex officio*;

(*f*) two social workers belonging to the organisation working for the prohibition of manual scavenging and rehabilitation of the manual scavengers, or representing the scavenger community resident in the Sub-Division, to be nominated by the District Magistrate, one of whom shall be a woman;

(*g*) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(*h*) the Sub-Divisional level officer in-charge of Scheduled Castes welfare—Member-Secretary, *ex officio;*

(*i*) Sub-Divisional level officers of Department and agencies who in the opinion of the Sub-Divisional Magistrate, subject to any general orders of the State Government or the District Magistrate, have a significant role to play in the implementation of this Act—member, *ex officio.*

(*4*) Each Vigilance Committee constituted at district and Sub-Divisional level shall meet at least once in every three months.

(*5*) No proceeding of a Vigilance Committees shall be invalid merely by reason of any defect in its constitution.

Functions of Vigilance Committee.

25. The functions of Vigilance Committee shall be—

(*a*) to advise the District Magistrate or, as the case may be, the Sub-Divisional Magistrate, on the action which needs to be taken, to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;

(*b*) to oversee the economic and social rehabilitation of manual scavengers;

(*c*) to co-ordinate the functions of all concerned agencies with a view to channelise adequate credit for the rehabilitation of manual scavengers;

(*d*) to monitor the registration of offences under this Act and their investigation and prosecution.

State Monitoring Committee.

26. (*1*) Every State Government shall, by notification, constitute a State Monitoring Committee, consisting of the following members, namely:—

(*a*) the Chief Minister of State or a Minister nominated by him—Chairperson, *ex officio*;

(*b*) the Minister-in-charge of the Scheduled Castes Welfare, and such other Department, as the State Government may notify;

(*c*) Chairperson of the State Commissions for Safai Karamcharis, and Scheduled Castes, if any— member, *ex officio;*

(*d*) representatives of the National Commission for Scheduled Castes, and Safai Karamcharis—member, *ex officio;*

(*e*) not less than two members of the State Legislature belonging to the Scheduled Castes, nominated by the State Government:

Provided that if any State Legislature has no member belonging to the Scheduled Castes, the State Government may nominate the members belonging to the Scheduled Tribes;

(*f*) the Director-General of Police— member, *ex officio;*

(*g*) Secretaries to the State Government in the Departments of Home, Panchayati Raj, Urban Local Bodies, and such other Departments, as the State Government may notify;

(*h*) Chief Executive Officer of at least one Municipal Corporation, Panchayat at the district-level, Cantonment Board and railway authority as the State Government may notify;

(*i*) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the State, to be nominated by the State Government, two of whom shall be women;

(*j*) State-level head of the convener Bank of the State Level Bankers' Committee—member, *ex officio*;

(*k*) Secretary of the Department of the State Government dealing with development of the Scheduled Castes—Member-Secretary, *ex officio*;

(*l*) such other representative of Departments of the State Government and such other agencies which, in the opinion of the State Government, are concerned with the implementation of this Act.

(*2*) The State Monitoring Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

Functions of the State Monitoring Committee.

27. The functions of the State Monitoring Committee shall be—

(*a*) to monitor and advise the State Government and local authorities for effective implementation of this Act;

(*b*) to co-ordinate the functions of all concerned agencies;

(*c*) to look into any other matter incidental thereto or connected therewith for implementation of this Act.

Duty of States or Union territories to send periodic reports to the Central Government.

28. Every State or Union territory Government and Union territory administration shall send such periodic reports to the Central Government about progress of implementation of this Act, as the Central Government may require.

Central Monitoring Committee.

29. (*1*) The Central Government shall, by notification, constitute a Central Monitoring Committee in accordance with the provisions of this section.

(2) The Central Monitoring Committee shall consist of the following members, namely:—

(a) The Union Minister for Social Justice and Empowerment—Chairperson, *ex officio*;

(b) Chairperson of the National Commission for Scheduled Castes—member, *ex officio*;

(c) Minister of State in the Ministry of Social Justice and Empowerment—member, *ex officio*;

(d) Chairperson, National Commission for Safai Karamcharis— member, *ex officio*;

(e) the Member of the Planning Commission dealing with development of the Scheduled Castes—member, *ex officio*;

(f) three elected members of Parliament belonging to Scheduled Castes, two from the Lok Sabha and one from the Rajya Sabha;

(g) Secretaries of the Ministries of,—

(i) Social Justice and Empowerment, Department of Social Justice and Empowerment;

(ii) Urban Development;

(iii) Housing and Urban Poverty Alleviation;

(iv) Drinking Water and Sanitation;

(v) Panchayati Raj;

(vi) Finance, Department of Financial Services; and

(vii) Defence,

members, *ex officio*;

(h) Chairman, Railway Board—member, *ex officio*;

(i) Director-General, Defence Estates— member, *ex officio*;

(j) representatives of not less than six State Governments and one Union territory, as the Central Government may, notify;

(k) not more than six social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the country, to be nominated by the Chairperson, two of whom shall be women;

(l) Joint Secretary, Department of Social Justice and Empowerment in the Ministry of Social Justice and Empowerment, looking after development of Scheduled Castes—Member-Secretary, *ex officio*;

(m) such other representatives of Central Ministries or Departments and agencies which, in the opinion of the Chairperson, are concerned with the implementation of this Act.

(3) The Central Monitoring Committee shall meet at least once in every six months.

Functions of the Central Monitoring Committee.

30. The functions of the Central Monitoring Committee shall be,—

(a) to monitor and advise the Central Government and State Government for effective implementation of this Act and related laws and programmes;

(b) to co-ordinate the functions of all concerned agencies;

(c) to look into any other matter incidental to or connected with implementation of this Act.

31. (*1*) The National Commission for Safai Karamcharis shall perform the following functions, namely:— Functions of National Commission for Safai Karamcharis.

(*a*) to monitor the implementation of this Act;

(*b*) to enquire into complaints regarding contravention of the provisions of this Act, and to convey its findings to the concerned authorities with recommendations requiring further action; and

(*c*) to advise the Central and the State Governments for effective implementation of the provisions of this Act.

(*d*) to take *suo motu* notice of matter relating to non-implementation of this Act.

(*2*) In the discharge of its functions under sub-section (*1*), the National Commission shall have the power to call for information with respect to any matter specified in that sub-section from any Government or local or other authority.

32. (*1*) The State Government may, by notification, designate a State Commission for Safai Karamcharis or a State Commission for the Scheduled Castes or such other statutory or other authority, as it deems fit, to perform, within the State, *mutatis mutandis*, the functions specified in sub-section (*1*) of section 31. Power of State Government to designate an appropriate authority to monitor the implementation of this Act.

(*2*) An authority designated under sub-section (*1*) shall, within the State, have, *mutatis mutandis*, the powers of the National Commission for Safai Karamcharis as specified in sub-section (*2*) of section 31.

CHAPTER VIII

MISCELLANEOUS

33. (*1*) It shall be the duty of every local authority and other agency to use appropriate technological appliances for cleaning of sewers, septic tanks and other spaces within their control with a view to eliminating the need for the manual handling of excreta in the process of their cleaning. Duty of local authorities and other agencies to use modern technology for cleaning of sewers, etc.

(*2*) It shall be the duty of the appropriate Government to promote, through financial assistance, incentives and otherwise, the use of modern technology, as mentioned in sub-section (*1*).

34. No suit, prosecution or other legal proceeding shall lie against an appropriate Government or any officer of the appropriate Government or any member of the Committee for anything which is in good faith done or intended to be done under this Act. Protection of action taken in good faith.

35. No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything, which is done or intended to be done, by or under this Act. Jurisdiction of civil courts barred.

36. (*1*) The appropriate Government shall, by notification, make rules for carrying out the provisions of this Act, within a period not exceeding three months from the date of commencement of this Act. Power of appropriate Government to make rules.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the obligation of an employer, under clause (*d*) of sub-section (*1*) of section 2;

(*b*) the manner in which the excreta fully decomposes under clauses (*e*) and (*g*) of sub-section (*1*) of section 2;

(*c*) the manner of carrying out survey of insanitary latrine and publishing list thereof under clause (*a*) of sub-section (*1*) of section 4;

(*d*) procedure of giving notice and recovering cost of demolition of an insanitary latrine under sub-section (*3*) of section 5;

(*e*) content and methodology of the survey under sub-section (*2*) of section 11;

(*f*) the eligibility conditions for identification of manual scavengers and publication of provisional list of persons found to be working as manual scavengers under sub-section (*4*) of section 11;

(*g*) publication of final list of persons found to be working as manual scavengers under sub-section (*6*) of section 11;

(*h*) manner of application to be made to the Chief Executive Officer of the municipality, or to an officer authorised by him in this behalf, under sub-section (*1*) of section 12 or, as the case may be, sub-section (*1*) of section 15;

(*i*) provision of initial, one time, cash assistance under sub-clause (*ii*) of clause (*a*) of sub-section (*1*) of section 13;

(*j*) such other powers of Inspectors under clause (*e*) of sub-section (*2*) of section 20; and

(*k*) any other matter which is required to be, or may be, prescribed.

(*3*) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(*4*) Every rule made under this Act by the State Government shall, as soon as may be after it is made, be laid before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

Power of Central Government to make model rules.

37. (*1*) Notwithstanding anything contained in section 36 of this Act:—

(*a*) the Central Government shall, by notification, publish model rules for the guidance and use of State Governments; and

(*b*) in case the State Government fails to notify the rules under section 36 of this Act within the period of three months specified therein, then the model rules as notified by the Central Government shall be deemed to have come into effect, *mutatis mutandis*, in such State, till such time as the State Government notifies its rules.

(*2*) The model rules made by the Central Government under this Act shall be laid, as soon as may be after they are made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses make any modification in the rule, the rule shall thereafter have effect only in such modified form; so, however, that any such modification shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

38. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made in relation to a State after the expiration of three years from the commencement of this Act in that State.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

39. (*1*) The appropriate Government may, by a general or special order published in the Official Gazette, for reasons to be recorded, and subject to such conditions as it may impose, exempt any area, category of buildings or class of persons from any provisions of this Act or from any specified requirement contained in this Act or any rule, order, notification, bye-laws or scheme made thereunder or dispense with the observance of any such requirement in a class or classes of cases, for a period not exceeding six months at a time. Power to exempt.

(*2*) Every general or special order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

P.K. MALHOTRA,
Secy. to the Govt. of India.

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